IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Bail Appl..No. 6194 of 2007()

(CRIME NO.167/2007 OF CHAKKARAKKAL POLICE STATION,KANNUR DISTRICT)

PETITIONER/ACCUSED (A1):

C.V.MOHAMMED, S/O. ABDUL RAHIMAN,
AGED 26 YEARS, DARUSSALAM MANZIL,
MOWENCHERI P.O., MACHERI, KANNUR DISTRICT.

BY ADV. SRI.P.P.RAMACHANDRAN

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
(S.H.O., CHARAKKARAKKAL POLICE STATION),
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R. BASANT, J.

B.A. No. 6194 OF 2007

Dated this the 10th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. He along with the co-accused faces allegations under Sec.498A of the IPC. The co-accused have already been granted anticipatory bail by the learned Sessions Judge.

2. The marriage took place on 2/10/05. Parties are before the matrimonial court for declaration as nullity of marriage (filed by the petitioner) and claim for maintenance under Sec.125 of the Cr.P.C. (filed by the wife). It is later that the complaint under Sec.498A of the IPC was filed before the police. A crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned counsel for the petitioner prays, the

learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions. In coming to this conclusion, I take note of the totality of the circumstances including the pendency of the earlier cases filed before the matrimonial court. I do further take note of the submission of the learned Public Prosecutor that the victim has not suffered any external injury on account of the alleged physical cruelty.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 17/10/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 18/10/07 and 19/10/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 17/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 17/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge